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American Home Assurance Company and  
Insurance Company of the State of Pennsylvania

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

AMERICAN HOME ASSURANCE  
COMPANY, a corporation; and INSURANCE  
COMPANY OF THE STATE OF  
PENNSYLVANIA, a corporation,

Plaintiffs,

v.

SMG STONE COMPANY, INC., a  
corporation; J. COLAVIN & SON, INC., a  
corporation; WEBCOR CONSTRUCTION  
LP, a limited partnership, dba WEBCOR  
BUILDERS, a corporation, and dba WEBCOR  
CONSTRUCTION, INC., a corporation; and  
STEADFAST INSURANCE COMPANY, a  
corporation,

Defendants.

Case No. 3:13-cv-04953-VC

**JOINT STIPULATION AND PROPOSED  
ORDER TO EXTEND FILING  
DEADLINES AND HEARING DATE FOR  
CROSS-MOTIONS FOR SUMMARY  
JUDGMENT AND PROPOSED ORDER**

Current Date: January 22, 2015  
Time: 10:00 a.m.  
Dept: Courtroom 4, 17<sup>th</sup> Floor

Complaint Filed: October 24, 2013

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2 Plaintiffs and Counterdefendants American Home Assurance Company (“American Home”) and Insurance Company of the State of Pennsylvania (“ISOP”), Defendants and Counterclaimants SMG Stone Company, Inc., J Colavin & Son, Inc., Webcor Construction LP dba Webcor Builders and dba Webcor Construction, Inc. and Defendant Steadfast Insurance Company (referred collectively as “Webcor”) (American Home, ISOP and Webcor are jointly referenced as “Parties”) hereby stipulate and present this Joint Stipulation To Extend Filing Deadlines And Hearing Date For Cross-Motions For Summary Judgment And Proposed Order from those set forth in the Court’s Minute Order of October 7, 2014.

10 WHEREAS on October 7, 2014, and in conjunction with the Parties’ Joint Case Management Statement and comments made by counsel at the Case Management Conference on October 7, 2014, via Minute Order the Court entered the following applicable deadlines in connection with the Parties’ Cross-Motions for Summary Judgment: (1) Plaintiffs’ Opening Brief due on October 17, 2014; (2) Defendants’ Opening Brief due on November 7, 2014; (3) Plaintiffs’ Reply Brief/Cross-Motion Opposition due on November 21, 2014; (4) Defendants’ Reply Brief due on December 5, 2014; and (5) Cross-Motions hearing date on January 22, 2015 at 10:00 a.m. (See Docket Entry no. 42 [10/7/2014].) Via the same Minute Order, and based on the Parties’ stated preference for mediation prior to the hearing on the Cross-Motions, the Court referred the case to the Court’s ADR Program to “take place in December 2014.” (*Id.*);

20 WHEREAS on October 17, 2014, Plaintiffs’ counsel filed their Opening Brief and on November 7, 2014, Defendants’ counsel filed their Opening Brief as required by the Court’s Minute Order of December 7, 2014;

23 WHEREAS after the filing of the Parties’ Opening Briefs, counsel for the Parties met and conferred to develop a modified briefing schedule for the Cross-Motions in order to accommodate newly-developed scheduling pressures brought about by professional and familial obligations of the Parties and counsel including, but not limited to, the holiday schedule including Thanksgiving, Christmas and New Year’s Eve, as follows: (1) December 8, 2014 for the filing of Plaintiffs’ Reply Brief/Cross-Motion Opposition; and (2) January 8, 2015 for the filing of Defendants’ Reply Brief;

1 WHEREAS counsel for the Parties determine that while the proposed, revised briefing  
2 schedule would accommodate the previously-scheduled January 22, 2014 hearing date under the  
3 Court's Standing Order requiring a minimum of fourteen (14) days between the filing of the last reply  
4 brief and the hearing, it would not accommodate the Court's Minute Order requiring mediation  
5 between the time of the filing of the last reply brief and the hearing on the Cross-Motions, such that  
6 counsel agreed that: (1) the hearing date on the Cross-Motions should be continued from January 22,  
7 2015 to a date after March 16, 2015 which is convenient for the Court; (2) the Court's referral of the  
8 parties to the court's ADR Program for mediation should have a completion deadline which is the  
9 same as the date of the hearing on the Cross-Motions; and (3) the further case management conference  
10 scheduled for February 10, 2015 and the concurrent, updated joint case management statement filing  
11 deadline of February 3, 2015, should be continued to an appropriate date after the hearing on the  
12 Cross-Motions.

13 NOW THEREFORE, the Parties hereby stipulate by their counsel of record that: (1) the  
14 current deadline for the filing of Plaintiffs' Reply Brief/Cross Motion Opposition be continued from  
15 November 21, 2014 to December 8, 2014; (2) the current deadline for the filing of Defendants' Reply  
16 Brief be continued from December 5, 2014 to January 8, 2015; (3) the current hearing date for the  
17 Cross-Motions be continued from January 22, 2015 to a date after March 16, 2015 which is  
18 convenient for the Court; (4) the current deadline for the Parties' participation in mediation in  
19 conjunction with the court's ADR Program be continued from "December, 2014," to the new hearing  
20 date on the parties' Cross-Motions; and (5) the further case management conference scheduled for  
21 February 10, 2015 and the concurrent, updated joint case management statement filing deadline of  
22 February 3, 2015, be continued to appropriate dates after the hearing on the Cross-Motions.

23 IT IS SO STIPULATED  
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1 Dated: November 17, 2014

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

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3  
4 By: /s/ Patrick Fredette  
Patrick Fredette  
Lejf E. Knutson  
Attorneys for Plaintiffs  
5  
6 American Home Assurance Company and  
7 Insurance Company of the State of Pennsylvania

8 Dated: November 17, 2014

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9  
10 By: /s/ Bruce P. Loper  
Bruce P. Loper  
Attorneys for Defendants and Counter-Claimants  
11 SMG Stone Company, Inc., J Colavin & Son, Inc.,  
12 Webcor Construction LP dba Webcor Builders and  
13 dba Webcor Construction, Inc.

14 Dated: November 17, 2014

MORALES FIERRO & REVES

15  
16 By: /s/ Christine Fierro  
Ramior Morales  
Christine Fierro  
Attorneys for Defendant  
17 Steadfast Insurance Company  
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~~PROPOSED~~ ORDER OF COURT

AND NOW, this 21<sup>st</sup> day of November, 2014, upon consideration of the Parties' JOINT STIPULATION TO EXTEND FILING DEADLINES AND HEARING DATE FOR CROSS-MOTIONS FOR SUMMARY JUDGMENT, it is hereby ordered as follows:

(1) The current deadline for the filing of Plaintiffs' Reply Brief/Cross Motion Opposition is continued from November 21, 2014 to December 8, 2014;

(2) The current deadline for the filing of Defendants' Reply Brief is continued from December 5, 2014 to January 8, 2015;

(3) The current hearing date for the Cross-Motions is continued from January 22, 2015 to March 26, 2015;

(4) The deadline for the Parties' participation in mediation in conjunction with the court's ADR Program is continued from December, 2014, to March 26, 2015, the new hearing date on the Parties' Cross-Motions;

(5) The date for the further case management conference is continued from February 10, 2015 to April 14, 2015, and the Parties shall be required to file an updated joint case management statement seven (7) days prior to the date of the further case management conference. Counsel for the Parties may attend by telephone upon notice to the Court no less than twenty-four hours prior to the further status conference.

IT IS SO ORDERED:

  
Hon. Vince Chhabria, Judge

3151457.1

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF FRESNO**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On November 14, 2014, I served true copies of the following document(s) described as **JOINT STIPULATION TO EXTEND FILING DEADLINES AND HEARING DATE FOR CROSS-MOTIONS FOR SUMMARY JUDGMENT AND PROPOSED ORDER** on the interested parties in this action as follows:

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Counsel for Defendant, STEADFAST  
INSURANCE COMPANY

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 14, 2014, at Fresno, California.

*Christina Torres*

Christina Torres